

Borough of Somerset Committee of the Whole

January 13th, 2020 5:00 p.m.

1. Meeting Called to Order - President R. Miller

2. Pledge of Allegiance

3. Roll Call:

Council Members present: Ruby Miller; Fred Rosemeyer; Lee Hoffman; Pam Ream; Sue Opp; Steve Shaulis and Gary Thomas.

Also present: Mayor Scott Walker.

Absent: Junior Council Member Patrick Kuhn.

Also present were the following: Borough Manager, Michele Enos; Director of Finance, Brett Peters; Solicitor, James Cascio; Consulting Engineers, Tom Reilly and Jake Bolby.

4. Announcements:

(a) None

5. Approval of Minutes of Previous Meeting:

(a) All minutes are approved at the regular Council Meeting.

6. General Public Comments:

(a) None registered

7. Policy Agenda:

Old Business:

(a) None

New Business:

(a) Request form submitted by Manager Enos:

- 1. Sheetz, Inc. – Discussion concerning the legal procedures governing the Public Hearing request to transfer a liquor license into Somerset Borough.*

Ms. Enos brought out that Somerset Borough received a request from Sheetz, Inc. to transfer a liquor license to their location on East Main Street in Somerset Borough.

Solicitor Cascio disclosed that under the “Liquor Code”, if a County has its full quota of licenses, a license that pre-exists from another County can still be transferred in. He added that Somerset Borough currently has its full quota of licenses. Solicitor

Cascio brought out that specific requirement of the Law allows additional licenses, in what's termed an "Inter-Municipal Transfer", for Economic Development purposes.

Solicitor Cascio explained that upon request for an approval of that transfer by an applicant, at least one Public Hearing needs to be held by the Municipal Governing Body for the purpose of receiving comments and recommendations of interested individuals residing within the Municipality concerning the applicant's intent to transfer a license into that Municipality.

He added that within 45 days of the request, Borough Council will render a decision by Ordinance or Resolution to approve or disapprove the license transfer request. Solicitor Cascio said that the decision to deny the request is not appealable. If approved, it goes back to the Liquor Board for their final determination.

Solicitor Cascio added that the Public Hearing will be held directing following this evening's Committee of the Whole Meeting, and has been duly advertised to the public for their attendance.

Solicitor Cascio added that, if approved, a remodel of the Sheetz on East Main Street will be planned with 30 additional seats being added, required by the "Liquor Code."

2. AFSCME – *Update of the Collective Bargaining Contract for years 2020-2024.*

Ms. Enos stated that some "red line" changes have been made in the Collective Bargaining Contract that they want to be certain that the Union agrees with. She added that these changes were discussed in the Collective Bargaining meetings.

She stated that Borough Council will be "acting" on the Collective Bargaining Agreement at the next Council Meeting.

3. Donation Requests:

(a) CVS Health – *Requesting a donation on behalf of Junior Achievement for the year 2020.*

After discussion, Borough Council, as a whole, agreed not to allocate monies to this donation request.

(b) Request form submitted by Chief Cox and Mayor Walker:

1. Police Department Records – *Request to purge certain police documents in accordance with the Commonwealth's Record Retention Act.*

Ms. Enos stated that a Resolution will be prepared with the specific documents requested from the Police Department to be purged, and will appear on the next Borough Council meeting for consideration.

(c) Year to Date Financial Report – Provided through the month of December 2019.

Mr. Peters distributed the Year to Date Financial Statements through December 2019.

General Fund:

Revenues – 113.32%

Expenses – 108.66%

Water Fund:

Revenues – 100.34%

Expenses – 101.71%

Sewer Fund:

Revenues – 94.23%

Expenses – 95.98%

Mr. Peters added that he would do his best to answer any questions that Borough Council may have.

(d) Manager's Report – Reports distributed to Council for all departments for the month of December 2019.

Ms. Enos stated that if Borough Council had any questions regarding any department reports, she would be happy to answer them.

(e) President's Report - Given by Ruby Miller.

Mrs. Miller stated that she is waiting for Mr. Jerry Lyons to advise her on Somerset Volunteer Fire Department Reports.

Ms. Enos added that the Act 172 List of Eligibles from the Fire Departments, would be provided to her by the end of January 2020. Also included, will be the response as to whether the Act 172 has benefitted the Department.

Mrs. Miller also thanked Ms. Enos for the meal she so generously provided for the Committee of the Whole Meeting.

(f) Somerset Inc. Report - Given by Lee Hoffman.

Mr. Hoffman brought out that the "Fire & Ice" Festival is being held the weekend of January 17th, 2020. He mentioned that pins will be on sale for \$6.00. He added that over 230 people have signed up for the 5K Race. He disclosed that the ice skating rink will be located in front of the Courthouse. In addition, 50 ice sculptures will be on display.

Mr. Hoffman also mentioned that the NPP Grant coming through is going to be utilized through the spring and summer months. Somerset Inc. is looking to acquire buildings, including the Brinker Building.

(g) PSAB Report – Given by Fred Rosemeyer.

Mr. Rosemeyer mentioned that the next PSAB Meeting in Hershey, PA will be held June, 2020.

Mr. Hoffman mentioned that the PSAB “Public Office Bootcamp” will be held at the end of February 2020.

Mr. Rosemeyer mentioned that Somerset Borough may have the possibility of receiving the PSAB Scholarship Meeting Award for an eligible individual to attend this year’s PSAB Meeting in Hershey, PA.

(h) Somerset Volunteer Fire Department Report – Given by Steve Shaulis.

Mr. Shaulis brought out that the Fire Department Report, dated January 13th, 2020, discloses that the Fire Department responded to 25 alarms, 11 of those were in Somerset Borough.

From January 1st – December 31st, 2019, the Fire Department answered a total of 373 alarms, 45 of those were in Somerset Borough.

The new Officers were installed at the Fire Department’s Banquet on Friday night. Mike Livengood will continue to serve as Fire Chief, and Carl Keiser will continue to serve as President.

The Fire Department will provide a “standby” crew for the “Fire & Ice” Festival fireworks display on Friday January 17th, 2020.

The Ladies Auxiliary will have a Roast Beef & Ham Dinner, as a fund-raising event on Sunday January 19th, 2020 from 11:00 a.m. – 2:00 p.m. The cost is \$10.00 for adults and \$5.00 for children 5-10 years of age.

Mr. Thomas mentioned that Mr. Shaulis was the recipient of an award at the Fire Department’s Annual Banquet. He was the first in Fire Calls.

(i) Engineer’s Report – Given by Jake Bolby.

Mr. Bolby mentioned that the Large Water Project that we are currently designing is ongoing.

The Highland Park Project has been “on-hold” for a while. He stated that they are trying to secure the “rights-of-way” on that project. He expects construction to start in the spring of this year.

On the sewer side, the “Cleaning and Televising” Contract that pairs with the H2O PA Grant Application, was submitted through DCED.

Mr. Bolby brought out that the Pump Project is still on going. He said that one of three pumps is in place, and start-up will occur over the next couple of months depending on the timing of when they are placed, and when the work associated with it is completed.

Mr. Bolby stated that one project on the budget list this year is “Digester Cleaning.” He mentioned that they will be working with management to get that scheduled, and would let Council know when that would occur.

Mr. Bolby also brought out that the other grant that was submitted in 2019 was for Coxes Creek's maintenance and improvement in the area that is regulated by the flood protection project.

Ms. Enos brought out that the flow meters that were purchased, approximately 6 months ago, to monitor the collection system were put in place for high rain events. Mr. Bolby helped to set up a censor notification system for herself, Mr. Bailey, Mr. Glessner, and most recently, Mr. Moon. This enables an alert to be sent out to them when sewage rises to a certain level.

She explained that, previously, when heavy rain occurred, the employees would be called-in to check the manholes for sewage levels.

Ms. Enos said that they recently had a failure of one of the pumps at the East End Pump Station at approximately 11:00 p.m. She and Mr. Bailey got an emergency alert notifying them of a water rise in the system. The Sewer Plant was also receiving alerts from the pump system. Ms. Enos expressed that it worked exactly the way they were hoping it would, and it saved hours' worth of personnel/labor time.

(j) Mayor's Report – Given by Mayor Walker.

Mayor Walker allotted his time to Chief Cox in order for him to give an update on Pennsylvania's "Idling Laws".

Chief Cox mentioned that Pennsylvania's "Idling Law" is not found in the "Crimes Code" or in the "Vehicle Code", but actually found in the "Health & Safety Code", title **35.4603, Section 4608**. It has been in existence since 2009.

This Law states: *"No driver or owner of a diesel powered motor vehicle with a gross weight of 10,001 lb., which is a commercial vehicle, engaged in commerce shall cause, and no owner or operator of the location where the vehicle loads, unloads or parks, shall allow the engine of the vehicle to idle for more than 5 minutes in a continuous 60 minute period."*

Chief Cox added that there are approximately 15 exemptions from this Law. The one that causes us confusion is the second one, which states....*"When a vehicle must idle to operate the defrosters, heater, air conditioners or cargo refrigeration equipment..."* He stated that if we get a call to an idling vehicle, we have no idea or no way to know, assuming the driver is not there, of what the cargo is. So we don't know how long that vehicle has been running.

Chief Cox stated that he began looking at this Law when a local resident called to complain about a truck that was idling in town. The Police Department could not locate the owner, assuming the driver may have been asleep in the hotel where his truck was idling and parked.

Chief Cox added that the owner of a parking lot, where these vehicles park, is required to post signage advertising the idling lot if the area is large enough to park 15 or more trucks.

Discussion was held among Borough Council regarding the complaint that was received regarding this idling truck in a lot that *does not* have the capacity to park 15 trucks.

Chief Cox mentioned that in the “Health & Safety Code”, the administrative agency behind this law is the Department of Environmental Protection. It is enforceable by designated persons from DEP, and by State and Municipal Authorities.

8. Executive Session – None requested

9. ADJOURNMENT

Motion

Mrs. Ream moved to adjourn, motion seconded by Mr. Rosemeyer.

Motion Unanimously Carried
5:35 p.m.

Michele A. Enos, Borough, Manager/ Secretary